

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, ) 2:17-CR-148-JAD-(GWF)  
Plaintiff, )  
v. )  
RYAN AUSTIN ROTHER, ) Preliminary Order of Forfeiture  
Defendant. )

This Court finds that defendant Ryan Austin Rother pled guilty to Count One of a One-Count Criminal Indictment charging him with Possession of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(5). Criminal Indictment, ECF No. 1; Memorandum in Support of Plea without the benefit of a Plea Agreement; ECF No. 30; Change of Plea, ECF No. 38.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Amended Bill of Particulars and the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant Ryan Austin Rother pled guilty.

The following property is (1) any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Section 2252A(a)(5) and (2) any property, real or personal, used or intended to be used to commit or to promote the commission of Title 18,

1 United States Code, Section 2252A(a)(5) or any property traceable to such property, and is  
2 subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and 2253(a)(3):  
3     1. Black Gateway computer model SX2800;  
4     2. Hitachi 2TB SATA hard drive Model No. HDS5C3020ALA632, Serial No.  
5                 F3031WTF;  
6     3. HP Pavilion laptop computer, Model No. dv-6, Serial No. CNF05149TZ;  
7     4. Samsung 640GB SATA hard drive, Model No. HM641J1, Serial No.  
8                 S25YJ1DZC01353;  
9     5. Western digital external hard drive, Model No. WD100001C800 1TB, Serial  
10                No. WCAV47478298;  
11     6. Maxtor 500GB SATA hard drive, Model No. 7H500F0, Serial No.  
12                H816QXKH; and  
13     7. Kingston 2GB SD card, SHA1 checksum  
14                5e34f432551c320ea8bad05a5a64d69e6dee1123

15 (all of which constitutes property).

16         This Court finds the United States of America is now entitled to, and should, reduce the  
17         aforementioned property to the possession of the United States of America.

18         NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
19         the United States of America should seize the aforementioned property.

20         IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights,  
21         ownership rights, and all rights, titles, and interests of Ryan Austin Rother in the aforementioned  
22         property is forfeited and is vested in the United States of America and shall be safely held by the  
23         United States of America until further order of the Court.

24         IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of  
25         America shall publish for at least thirty (30) consecutive days on the official internet government  
26         forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited

1 property, state the time under the applicable statute when a petition contesting the forfeiture must  
2 be filed, and state the name and contact information for the government attorney to be served  
3 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,  
4 Section 853(n)(2).

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or  
6 entity who claims an interest in the aforementioned property must file a petition for a hearing to  
7 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be  
8 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,  
9 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature  
10 and extent of the petitioner's right, title, or interest in the forfeited property and any additional  
11 facts supporting the petitioner's petition and the relief sought.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be  
13 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no  
14 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than  
15 sixty (60) days after the first day of the publication on the official internet government forfeiture  
16 site, www.forfeiture.gov.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if  
18 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at  
19 the following address at the time of filing:

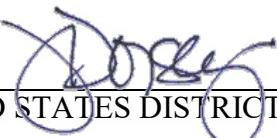
20 Michael A. Humphreys  
21 Assistant United States Attorney  
22 Daniel D. Hollingsworth  
23 Assistant United States Attorney  
24 501 Las Vegas Boulevard South, Suite 1100  
25 Las Vegas, Nevada 89101.  
26

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described  
28 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate  
29 // /

1 agency following publication of notice of seizure and intent to administratively forfeit the above-  
2 described property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies  
4 of this Order to all counsel of record.

5 DATED this 15th day of February, 2018.  
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UNITED STATES DISTRICT JUDGE

## **PROOF OF SERVICE**

A copy of the foregoing was served upon counsel of record via Electronic Filing on February 15, 2018.

/s/ Mary Stolz  
**MARY STOLZ**  
FSA Paralegal